

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

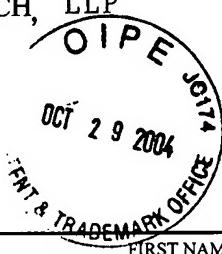
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02292 7590 08/06/2004

BIRCH STEWART KOLASCH & BIRCH, LLP
PO BOX 747
FALLS CHURCH, VA 22040-0747

11/01/2004 NNGUYEN2 00000100 10797042

01 FC:1501 1370.00 OP
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Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

(Depositor's name)

(Signature)

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,042	03/11/2004	Erh-Kun Lai	0941-0931P	4662

TITLE OF INVENTION: METHOD FOR FABRICATING NITRIDE READ ONLY MEMORY

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1330 1370	\$300	\$1630 1330 1370	11/08/2004
EXAMINER	ART UNIT	CLASS-SUBCLASS			

TSAI, H JEY

2812

438-275000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

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"Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev. 03-02 or more recent) attached. Use of a Customer Number is required.

1 Birch, Stewart,

2 Kolasch & Birch,

3 LLP

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

MACRONIX INTERNATIONAL CO., LTD. Hsin-Chu, Taiwan, R.O.C.

Please check the appropriate assignee category or categories (will not be printed on the patent); individual corporation or other private group entity government

4a. The following fee(s) are enclosed:

4b. Payment of Fee(s):

Issue Fee

Publication Fee (No small entity discount permitted)

Advance Order - # of Copies four (4)

A check in the amount of the fee(s) is enclosed.

Payment by credit card. Form PTO-2038 is attached. (if necessary)

The Director is hereby authorized to charge the required fee(s), or credit any overpayment, to Deposit Account Number 02-2448 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

b. Applicant is not claiming SMALL ENTITY status. See, e.g., 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

[Signature]

(Date)

Jole McKinney Muncy, #32,334 October 29, 2004

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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TRANSMIT THIS FORM WITH FEE(S)



MS PGPUB
PATENT
0941-0931P

IN THE U.S. PATENT AND TRADEMARK OFFICE

APPLICANT(S):	Erh-Kun LAI	CONF.:	4662
APPL. NO.:	10/797,042	GROUP:	2812
FILED:	March 11, 2004	EXAMINER:	H. Jey TSAI
FOR:	METHOD FOR FABRICATING NITRIDE READ ONLY MEMORY		

REPLY TO ERRONEOUS INDICATION OF PUBLICATION FEE DUE

MS PGPUB

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

October 29, 2004

Sir:

The following was received in the above-identified application:

- A separate Notice of Publication Fee Due
- A Notice of Allowance with an indication of Publication Fee Due.

It is believed that this requirement for a publication fee by the USPTO is in error. In particular, the above-identified application:

- Has had a Request and Certification Under 35 U.S.C. § 122(b)(2)(B)(i) for non-publication filed therein;
- Is a Design application;
- Should issue as a patent more than four (4) weeks prior to the projected publication date; or
- The application was only filed as a Request for Continued Examination (RCE), which does not trigger publication and according to 37 C.F.R. § 1.211(e) the publication fee should not be due.

In view of the Official Gazette Notice of July 31, 2001, 1248 O.G. 166, Applicant(s) hereby authorize the USPTO to charge the publication fee to Deposit Account 02-2448, if necessary.

However, the USPTO should **not charge** the Deposit Account if the patent issues within sufficient time to remove the application from the publication queue. The USPTO is requested to notify the undersigned if the Deposit Account is charged.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By:


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KM/sem/te